

REMARKS

Claims 90, 94, 96, 97, 107, 111, 112, 120, 124, 125, and 133-150 are pending in this application, with claims 90, 107, 120 and 133-136 being independent. Claims 90, 107, 112, 120 and 125 have been amended; claims 92, 93, 95, 98-106, 109, 110, 113-119, 122, 123 and 126-132 have been canceled; and claims 136-150 have been added. No new matter has been added.

The Examiner has objected to the claims as being improperly numbered. Applicant has renumbered misnumbered claims 112-137 as claims 111-135, per the Examiner's suggestion. All claim amendments are based on the renumbered claims.

Independent claims 90, 107 and 120, along with their dependent claims 94, 96, 112, and 125, have been rejected as being anticipated by Dhir (U.S. Patent No. 6,553,113). Claims 97, 111 and 124, which depend from claims 90, 107 and 120, respectively, have been rejected as being unpatentable over Dhir in view of Galvin (U.S. Patent No. 6,134,315).

Independent claim 90, as amended, recites a process for assisting presentation of sales pitches appropriate for a particular telephone caller of a customer service call center that includes, among other features, "storing in a first electronic database, prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller, as an additional attribute, comprising a preference of the caller not to receive any sales pitches" (emphasis added) and "omitting to search a second electronic data base of potential sales pitches for a sales pitch based upon the at least additional attribute of the caller." Applicant requests reconsideration and withdrawal of the rejection of claim 90, and its dependent claims 94, 96 and 97, because neither Dhir, Galvin, nor any proper combination of the two describes or suggests the recited storing of a caller preference not to receive any sales pitches and omitting to search a database for a sales pitch based on the caller preference.

Dhir describes a system that routes calls to different agents at a call center and provides different call handling instructions to the agents based on, among other things, customer profile and behavior data associated with the caller. Col. 11, line 62 to col. 12, line 50. The customer profile and behavior data includes both demographic information and past purchasing behavior. Col. 7, lines 14-20. Dhir describes using the customer profile and behavior data to "make

strategic decisioning predictions about caller needs,” and then using a call center agent (as part of the call handling) to present a product or service offering that has been determined by the system to fulfill a predicted need of the caller. See col. 7, lines 17-20 (“Strategic decisioning logic, especially as regards proactive servicing or cross-selling, relies on predictions of caller needs based on past purchasing behavior of customers as well as general demographic data” (emphasis added)) and col. 7, lines 21-33.

For example, if the past purchasing behavior of a caller indicates that he or she has purchased airline tickets using their credit card, the system may predict or infer from this that the caller may be interested in special travel packages, may route the call to an agent that is both trained to handle the call and to offer special travel packages, and instruct the agent to offer the caller one or more special travel packages. Col. 7, lines 26-28; col. 11, line 62 to col. 12, line 50. Notably, Dhir describes identifying offers that are predicted, based on caller demographics and purchasing behavior, to be of particular interest to a caller and presenting the identified offers to the caller. Dhir, however, does not describe or suggest that the caller may specifically express a preference not to receive a particular offer (e.g., because it is of particular disinterest to the caller), much less a preference not to receive any offers whatsoever.

Galvin does not remedy the failure of Dhir to describe or suggest the recited storing of a caller preference not to receive any sales pitches and omitting to search a database for a sales pitch based on the caller preference. Galvin describes a system for routing calls to different destinations based on meta data associated with a caller. Col. 4, lines 33-60; col. 6, lines 57-67. The meta data may include, for example, the caller's credit rating, marital status, payment reliability, number of children, and the average mood of the caller during the past five contacts with the system (e.g., irate). Col. 7, lines 52-66. Notably, Galvin describes this data as being used to make call routing decisions, not to determine whether a particular agent to which the call is routed should or should not present a particular sales pitch or offer to the caller. Accordingly, while Galvin stores meta data used for routing a call from a caller, Galvin fails to store or act upon a caller preference that reflects a user preference to not receive any sales pitches, as claimed.

Accordingly, for at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claim 90, and its dependent claims 94, 96 and 97.

Independent claim 107, as amended, recites a system for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, including, among other features, “a first electronic database configured to store as an attribute related to the caller and prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller comprising a preference of the caller not to receive any sales pitches” (emphasis added) and “a search component configured to identify in the first electronic database the attribute related to the caller based on the caller identity and configured to omit searching a second electronic database of potential sales pitches for a sales pitch based on the attribute” (emphasis added). For at least the same reasons described above with respect to claim 90, applicant requests reconsideration and withdrawal of the rejection of claim 107 and its dependent claims 111 and 112 because neither Dhir, Galvin, nor any proper combination of the two describes or suggests these features.

Independent claim 120, as amended, recites a computer program for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, including, among other features, “a first database code segment configured to store as an attribute related to the caller and prior to the receipt of the incoming service call from the caller, a sales pitch preference of the caller comprising a preference of the caller not to receive any sales pitches” (emphasis added) and “a search code segment that causes the computer to identify the stored attribute related to the caller based on the caller identity and to omit searching a second electronic database of potential sales pitches for a sales pitch based on the attribute” (emphasis added). For at least the same reasons described above with respect to claim 90, applicant requests reconsideration and withdrawal of the rejection of claim 120 and its dependent claims 124 and 125 because neither Dhir, Galvin, nor any proper combination of the two describes or suggests these features.

Notably, the Examiner rejected claims 92, 109 and 122, now canceled, as being unpatentable over Dhir in view of Hertz (U.S. Patent Application Publication No. US

2001/0014868). In the rejection of these claims, the Examiner correctly states that Dhir “does not disclose the additional attribute of the caller comprises a preference not to receive a sales pitch or any sales pitch.” The Examiner relies on Hertz as describing this feature. Contrary to the Examiner’s contention, however, Hertz does not remedy Dhir’s failure to describe or suggest the storing of a caller preference not to receive any sales pitches and omitting to search a database for a sales pitch based on the caller preference.

Hertz describes an online shopping system that automatically determines offers that a shopper might be interested in based on an offer profile, which is a digital representation of an offer’s attributes, and a shopper profile. (paragraph 0019) The shopper profile includes “an offer demand summary” which includes a summary of the degree to which a particular shopper likes or dislikes various offer profiles (paragraph 0019). An offer is deemed of interest to a shopper if the offer profile of the offer is similar to offer profiles that the shopper has previously indicated to be of interest or that other shoppers having similar shopper profiles have previously indicated to be of interest (paragraph 138). A shopper may update his or her “offer demand profile” through both active feedback and passive feedback mechanisms. For example, the shopper may actively indicate an interest or lack thereof in a particular offer by explicitly indicating to the system his or her interest in the offer on a scale of –2 (active distaste) through 0 (no special interest) to 10 (great interest). (paragraphs 0039-0046).

However, Herz does not describe or suggest storage of a caller preference not to receive any sales pitches or offers whatsoever. Rather, Herz describes storage of an offer demand summary that summarizes the degree that a user likes and dislikes various offer profiles, which is then used as a mechanism to select offers for presentation to the user that preferably have profiles similar to those liked by the user and not similar to those disliked by the user.

For at least these reasons, neither Hertz, Dhir, Galvin, nor any proper combination of the three describes or suggests the subject matter claimed by independent claims 90, 107 and 120, and their dependent claims 94, 96, 97, 111, 112, 124 and 125.

Independent claims 133-135 have been rejected as being unpatentable over Dhir in view of Galvin. Independent claim 133 recites a process for assisting presentation of a first sales pitch

appropriate for a particular telephone caller of a customer service call center, that includes, among other features, "storing in a first electronic database, prior to the receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller" and "omitting to search the second electronic database for a potential sales pitch based on the identified information indicative of past misbehavior" (emphasis added). Applicant requests reconsideration and withdrawal of the rejection of claim 133 because neither Dhir, Galvin, nor any proper combination of the two describes or suggests the recited omitting to search a database for a potential sales pitch based on information indicative of past misbehavior of a caller.

As described above, Dhir describes identifying offers that are predicted, based on caller demographics and purchasing behavior, to be of particular interest to a caller and presenting the identified offers to the caller. Notably, Dhir does not describe or suggest not identifying or searching for offers to present to a caller based on information indicative of past misbehavior of the caller.

Galvin does not remedy this deficiency of Dhir. As described above, Galvin describes using meta data, such as the average mood of the caller and the payment reliability of the caller, to make call routing decisions, not to determine whether or not an offer or sales pitch should be presented to a caller by an agent to which a call is ultimately routed or whether or not a search of a database for such an offer or sales pitch should be done.

Thus, neither of Dhir or Galvin teaches or suggests that information indicative of past misbehavior of a caller is stored or acted upon (i.e., used as a basis for omitting to perform a search), and thus, the proposed combination of Dhir and Galvin also is deficient in this regard.

For at least these reasons, applicant requests reconsideration and withdrawal of the rejection of claim 133.

Independent claim 134 recites a system for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, including, among other features "a first electronic database configured to store, prior to receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller" and "a call router configured to bypass a sales pitch selection process and to route

the service call to a human operator based on the identified information indicative of past misbehavior" (emphasis added). For at least the reasons described above with respect to claim 133, applicant requests reconsideration and withdrawal of the rejection of claim 134 because neither Dhir, Galvin, nor any proper combination of the two describes or suggests these features.

Independent claim 135 recites a computer program for leveraging an incoming service call for assistance as a conduit to assist a human operator to solicit the caller to purchase a merchandise or service, including, among other features, "a first database code segment configured to store, prior to receipt of the incoming service call from the caller, information indicative of past misbehavior of the caller," "a second database code segment configured to cause the computer to identify a first sales pitch for the caller," and "a call routing code segment that causes the computer to bypass the second database code segment and to route the service call to a human operator based on the identified information indicative of past misbehavior" (emphasis added). For at least the reasons described above with respect to claim 133, applicant requests reconsideration and withdrawal of the rejection of claim 134 because neither Dhir, Galvin, nor any proper combination of the two describes or suggests these features.

New independent claim 136 recites a process for assisting presentation of a first sales pitch appropriate for a particular telephone caller of a customer service call center, including, among other features, "storing a sales pitch preference in a first electronic database to be used as an additional attribute of the caller, the sales pitch preference comprising a preference of the caller not to receive a sales pitch related to a first service or product and not to receive any sales pitches related to a provider of the first service or product" (emphasis added) and "searching, based upon at least the additional attribute of the caller, a second electronic database of potential sales pitches to identify a first sales pitch that is not related to the first service or product and is not related to the provider of the first service or product" (emphasis added). Independent claim 136 is patentable over Dhir, Hertz, and Galvin because neither Dhir, Hertz, Galvin, nor any proper combination of the three describes or suggests the storage of a caller preference to not receive a sales pitch related to a particular service or product and to not receive any sales pitches related to a provider of that particular service or product.

Applicant : James Paul Haughwout
Serial No. : 09/819,899
Filed : March 29, 2001
Page : 17 of 17

Attorney's Docket No.: 06975-144001 / Member
Services 04

As described previously, neither Dhir nor Galvin describe or suggest a system that stores a caller preference not to receive a particular product or service offer. Hertz describes a system that stores a shopper's like and dislikes of particular offers in a shopper demand profile. While Hertz describes using the shopper demand profile to avoid presenting to the shopper offers that are similar to offers for which the shopper has specifically expressed a distaste, Hertz does not describe or suggest that if a shopper indicates a distaste for a particular product or service offering that the Hertz system will then not select for presentation to the shopper in the future any offering related to the specific provider of that distasteful product or service.

For at least these reasons, applicant submits that new independent claim 136 and new claims 137-150, which depend from claim 136, are patentable over the cited art.

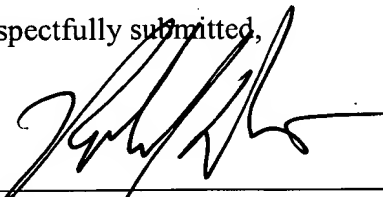
Applicants submit that all claims are in condition for allowance.

Enclosed is a \$450 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Date: _____

2/21/06

Respectfully submitted,



Roberto J. Devoto
Reg. No. 55,108

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331